

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 22-cr-20188
Hon. Matthew F. Leitman

v.

MICHAEL ANGELO, et al.,

Defendants.

**ORDER ADRESSING MOTIONS (ECF Nos. 133, 134, 135, 160, 161,
162, 163, 164, and 165) and ISSUES RAISED AT MOTION HEARING
ON AUGUST 15, 2023**

On August 15, 2023, the Court held a hearing on several pending motions in this case. During the hearing, the Court also addressed a number of issues raised by the parties. For the reasons stated on the record during the hearing, IT IS HEREBY ORDERED AS FOLLOWS:

1. Defendant Hassan Fayad's Motion for a Bill of Particulars as to Counts 6-18 (ECF No. 133) is GRANTED. The Government shall provide Fayad with the Bill of Particulars by not later than **October 16, 2023**. In addition, by not later than **November 16, 2023**, the Government shall provide to Defendants Mann and Angelo a Bill of Particulars for the wire fraud charges against each of those Defendants that contains the same information as the Bill of Particulars to be provided to Fayad.

2. Defendant Hassan Fayad's Motion for Pretrial Disclosure of All Evidence Which the Government Intends to Offer Pursuant to Rule 404(b) of the Federal Rules of Evidence (ECF No. 134) is GRANTED. The Government shall disclose such evidence at least 60 days before trial.

3. Defendant Hassan Fayad's Motion for a Written Proffer and Hearing on Admissibility of Co-Conspirator Statements Under FRE 801(d)(2)(E) (ECF No. 135) is GRANTED IN PART and DENIED WITHOUT PREJUDICE IN PART as follows. The motion is GRANTED to the extent that it seeks an order compelling the Government to provide Fayad with a proffer. The proffer shall: (a) identify each statement that the Government seeks to admit under FRE 801(d)(2)(E), (b) identify the alleged conspiracy that each statement was made in furtherance of, (c) identify the defendant(s) against whom the Government seeks to admit each statements, and (d) explain how the statement satisfies the requirements for admission under FRE 801(d)(2)(E). The Government shall provide that proffer to Fayad by not later than **October 16, 2023**. The motion is DENIED WITHOUT PREJUDICE to the extent that it seeks a hearing on the admissibility of any statements. Fayad may renew his motion for a hearing after the Government serves the proffer if Fayad continues to believe that a hearing is necessary.

4. The Court DEFERS DECISION on the pending motions for severance (ECF Nos. 160, 161, 162, 163, 164, and 165). The Court DIRECTS the parties to further meet and confer in an effort to reach an agreement on a proposed severance of charges and defendants. If an agreement is reached, counsel shall work together to prepare and submit to the Court a stipulation and order memorializing the terms of the severance.

5. By not later than August 22, 2023, the Government shall file on the docket a statement addressing whether and how the Government has fully complied with all obligations imposed upon the Government in the Court's Order dated March 22, 2023 (ECF No. 145). By not later than August 29, 2023, each defendant may file on the docket a statement setting forth any disagreement he or she may have with the Government's statemen concerning its compliance with the Court's Order.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 16, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 16, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126